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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/533,895	09/26/1995	SUZANNE L. TOPALIAN	2026-4205	1007

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EXAMINER

VANDERVEGT, FRANCOIS P

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 08/533,895	Applicant(s) TOPALIAN ET AL.	
	Examiner F. Pierre VanderVegt	Art Unit 1644	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

THE REPLY FILED 14 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 14 October 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 107-111.

Claim(s) rejected: 100-106, 112-117, 127 and 137.

Claim(s) withdrawn from consideration: 118-126 and 128-136.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 2. NOTE: Claims 165-191 introduce "analogs" of the recited peptides into the application. The term "analog" is different from the "derivatives" previously under consideration because the analog "comprises a conservative substitution" of an amino acid residue. The claim allows for the substitution of ALL amino acid residues, provided that the resultant peptide is recognized by an HLA class II molecule. Accordingly, the claims read upon structurally different peptides and would require additional search and consideration.

Continuation of 5. does NOT place the application in condition for allowance because: New claims 138-164 read upon "derivatives" "consisting essentially of" recited amino acid sequences. The claimed peptides read upon unspecified changes to the amino acid sequences and would be rejectable under 35 USC § 112, first paragraph for the reasons of record regarding claims 100-106, 112-117, 127 and 137, for example in the Final Office Action mailed April 9, 2003.

Continuation of 10. Other: The proposed amendment would be considered improper in that the amendment is not in compliance with 37 CFR § 1.121. The amendment does not indicate the status of claims 1-99.

The Examiner in charge of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to F. Pierre VanderVegt, Ph.D. in Art Unit 1644. The Examiner can normally be reached by telephone at (703) 305-4441 on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00.

Effective January 6, 2004, the Examiner's telephone number will be (571) 272-0852.

F. Pierre VanderVegt, Ph.D. *PV*
Patent Examiner
November 19, 2003

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